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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,547	10/01/2003	Chunghwa Heman Rao	MR1035-1320	5741
4586	7590	06/29/2005	EXAMINER	
ROSENBERG, KLEIN & LEE			ADDY, ANTHONY S	
3458 ELLICOTT CENTER DRIVE-SUITE 101			ART UNIT	
ELLICOTT CITY, MD 21043			PAPER NUMBER	
			2681	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,547

Applicant(s)

RAO ET AL.

Examiner

Anthony S. Addy

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b); by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Yakov, U.S. Publication Number 2004/0111308 A1 (hereinafter Yakov)**.

Regarding claims 1, 8 and 13, Yakov teaches a method for brokering network services (see paragraph 0040, line 1 through paragraph 0041, line 3) comprising: negotiating usage of networks and network services from a plurality of network companies by a network broker (see paragraph 0074, line 1 through paragraph 0077, line 10, paragraph 0079, lines 1-40, paragraph 0083, lines 1-12, paragraph 0087, lines 1-9 and Figures 3, 5 & 6); providing usage of the networks and network services to a plurality of virtual network operators by the network broker (see paragraph 0083, lines 1-12, paragraph 0087, lines 1-9 and paragraph 0175, lines 1-9); and switching between the networks and network services of different network companies by the network broker (see paragraph 0363, line 1 through paragraph 0368, line 9, paragraph 0125, line 1 through paragraph 0132, line 13, paragraph 0087, line 1 through paragraph 0090, line 12 [i.e. Yakov inherently teaches the broker switches between different providers,

Art Unit: 2681

since Yakov teaches the broker utilizes a usage pattern for customers to dynamically allocate network resources with different services networks (see paragraph 0363, lines 1-8 and paragraph 0087, lines 1-9)).

Regarding claim 2, Yakov teaches all the limitations of claim 1. In addition, Yakov further teaches a method, wherein the network broker negotiates with a plurality of network companies (see paragraph 0079, lines 1-18, paragraph 0070, lines 1-10, paragraph 0074, lines 7-12 and paragraph 0076, lines 1-7).

Regarding claim 3, Yakov teaches all the limitations of claim 1. In addition, Yakov further teaches a method, wherein the network broker provides to a plurality of virtual network operators (see paragraph 0076, line 1 through paragraph 0077, line 10).

Regarding claim 14, Yakov teaches all the limitations of claim 13. In addition, Yakov further teaches a method, wherein the network broker brokers usage from a plurality of network companies (see paragraph 0076, line 1 through paragraph 0077, line 10 and paragraph 0087, lines 1-9).

Regarding claim 15, Yakov teaches all the limitations of claim 13. In addition, Yakov further teaches a method, wherein the network broker brokers usage for a plurality of virtual network operators (see paragraph 0076, line 1 through paragraph 0077, line 10 and paragraph 0087, lines 1-9).

Regarding claims 4, 9 and 16, Yakov teaches all the limitations of claims 1, 8 and 15. In addition, Yakov further teaches a method, wherein the network broker negotiates usage based upon a combined total usage of the plurality of virtual network operators

Art Unit: 2681

(see paragraph 0083, lines 1-12, paragraph 0076, line 1 through paragraph 0077, line 10 and paragraph 0087, lines 1-9).

Regarding claims 5, 10 and 17, Yakov teaches all the limitations of claims 2, 8 and 14. In addition, Yakov further teaches a method, wherein the network broker switches between different network companies' networks based on pricing, rates, availability, or quality (see paragraph 0070, line 1 through paragraph 0071, line 6 and paragraph 0085, line 1 through paragraph 0086, line 5).

Regarding claims 6, 11 and 18, Yakov teaches all the limitations of claims 5, 8 and 17. In addition, Yakov further teaches a method, wherein the switching between networks is transparent to the virtual network operator (see paragraph 0076, line 1 through paragraph 0077, line 10 and paragraph 0087, lines 1-9).

Regarding claim 19, Yakov teaches all the limitations of claim 17. In addition, Yakov further teaches a method, wherein the switching is performed according to a schedule or when predetermined criteria are met (see paragraph 0125, lines 1-5, paragraph 0125, line 1 through paragraph 0132, line 13).

Regarding claims 7, 12 and 20, Yakov teaches all the limitations of claims 1, 8 and 13. In addition, Yakov further teaches a method, wherein the network comprises a telephone, wireless, cable, communication, satellite, or computer network or a computer or a combination of these networks (see paragraph 0008, lines 1-5 and Figures 2A & 3).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chalon, U.S. Publication Number 2003/0177181 A1 discloses method of brokering network service.

Yanosy, U.S. Publication Number 2004/0204073 A1 discloses network technology augmented user device framework.

Smith et al., U.S. Publication Number 2004/0181476 A1 discloses dynamic network resource brokering.

Hendrickson et al., U.S. Publication Number 2002/0069037 A1 discloses system and method for measuring wireless device and network usage and performance metrics.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

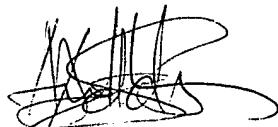
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

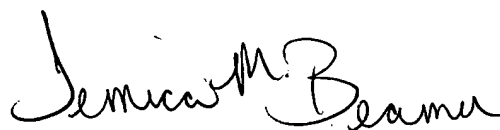
Art Unit: 2681

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
June 25, 2005



TEMICA BEAMER  
PRIMARY EXAMINER

6/26/05